

Remarks/Arguments

Claims 1-17 are pending. The claims are not amended from the response filed on July 16, 2004.

Double Patenting

Claims 1-17 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 2, 3, 6, 8, and 11 of Stahl et al. (US Pat No 6665020) in view of Ludtke et al (US Pat No 6593937). Applicants traverse the rejection.

At the outset, Applicants submit that Ludtke '937 is not a proper prior art reference as to the present application. The reference date of Ludtke '937 is the provisional application filing date of June 18, 1998. The present application is based on PCT application US98/19483, which claims the benefit of US provisional applications 60/058,507 filed on September 11, 1997, 60/066,782 filed on November 25, 1997, and 60/071,341 filed on January 14, 1998. All of the provisional applications to which the PCT application claims the benefit predate the provisional application filing date of Ludtke '937. Therefore, applicants submit that Ludtke '937 cannot be applied as a prior art reference against the present application.

The cited claims of Stahl are directed to a system of remote control command pass through. That is, an apparatus receives the remote control signals, maps the control information into a universal command format and transfers the mapped control information to a peripheral device. Nothing in the cited claims teach or suggest the feature of transferring digital video content and digital OSD as separate data via a digital bus.

Therefore, applicants submit that present claims 1-17 are patentably distinguishable over the cited claims of Stahl.

Rejection of claims 1-2, 6-7, and 11 under 35 USC 102(e) as being anticipated by Ludtke et al. (US Pat No 6593937)

Applicants submit that this rejection is moot since for the reasons discussed above Ludtke et al '937 cannot be applied as a prior art reference against the present application.

Rejection of the claims under 35 USC 103(a) as being unpatentable over Ludtke et al (US Pat No 6593937) in view of Ludtke et al. (US Pat No 6421069)

Claims 3, 4, 5, 8, 9 and 12-16 have been rejected as being unpatentable over Ludtke '937 and Ludtke '069. Applicants submit that for the reason discussed above Ludtke '937 cannot be applied as a prior art reference against the present application. Applicants further submit that the cited teachings of Ludtke et al. '069 fail to teach or suggest each and every limitation of the cited claims, and as such, the cited claims are patentably distinguishable over Ludtke et al. '609.


Rejection of claims 10 and 17 under 35 USC 103(a) as being unpatentable over Ludtke et al (US Pat No 6593937) in view of Ludtke et al. (US Pat No 6421069) and further in view of P1394 Draft 8.0v2

Applicants submit that for the reasons discussed above Ludtke '937 cannot be used as a prior art reference against the present application. Applicants further submit that the cited teachings of Ludtke et al. '069 and P1394 Draft 8.0v2 fail to teach or suggest each and every limitation of the cited claims, and as such, the cited claims are patentably distinguishable over the cited combination of references.

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Internal Docket No. RCA 88761
Customer No. 24498

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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